

# Notice of Allowability

Application No.

10/737,385

Examiner

Jalatee Worjloh

Applicant(s)

CORDERY ET AL.

Art Unit

3621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 03/06/2007.
2. ☒ The allowed claim(s) is/are 1-42 and 45-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

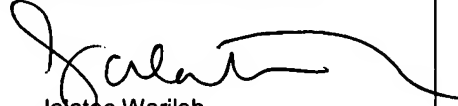
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Jalatee Worjloh  
Primary Examiner  
Art Unit 3621

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald Reichman on May 29, 2007.

The application has been amended as follows:

Claims 43 and 44 are cancelled.

2. Claims 1-42 and 45-51 are allowed.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1- 17 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail . . . ." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

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4. The closest prior art of record is US Publication No. 2001/0039535 to Tsiounis et al.

("Tsiounis").

Tsiounis discloses a method and system for making secure payments. However, Tsiounis does not teach at least said trusted third party system communicating with said second party by producing physical features of a device or signals produced by the device which provides said second party with an artificial personality of said trusted third party so that said second party will recognize physical features of the device, or signals produced by the device to have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system and the artificial personality of said third party is transferred to said second party so that said second party will trust that said first party's obligations have been or will be fulfilled as recited in independent claims 1 and 26; communicating with a trusted third party system, where said plurality of devices all have perceptible physical features produced by a device which are difficult to reproduce, and are all tamper resistant, so as to provide perceptible physical features of the device to provide assurance that said portable communications device is an authorized device and that said information provided by said trusted third party system is authentic as recited in independent claim 38 and communicate with said second party by producing physical features of a device or signals produced by the device to provide said second party with an artificial personality of said trusted third party so that said second party will recognize physical features of the device or signals produced by the device to have a perceptible assurance that said second party will recognize the artificial personality of said trusted third party when said second party is in communication with said trusted third party system and transmit information regarding the

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artificial personality of said trusted third party to said second party to provide assurance that said first party's instructions have been or will be fulfilled as recited in independent claim 42.

Moreover, the missing claimed element from Tsiounis is not found in a reasonable number of reference(s). Yet even if the missing claimed element was found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include this missing element in an embodiment in the Tsiounis disclosure because it would destroy the operation of Tsiounis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jalatee Worjloh

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Primary Examiner  
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May 30, 2007